

**ASSEMBLY BILL**

**No. 87**

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**Introduced by Assembly Member Ting  
(Coauthor: Assembly Member Nazarian)**

January 5, 2017

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An act to amend Section 38750 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 87, as introduced, Ting. Autonomous vehicles.

Existing law authorizes the operation of an autonomous vehicle on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle being operated, if specified requirements are satisfied. Existing law prohibits an autonomous vehicle from being operated on public roads until the manufacturer submits an application to the Department of Motor Vehicles, as specified, and that application is approved. Existing law requires the Department of Motor Vehicles to adopt regulations no later than January 1, 2015, setting forth requirements for the submission of evidence of insurance, surety bond, or self-insurance, and for the submission and approval of an application to operate an autonomous vehicle. Under existing law, it is unlawful and constitutes an infraction for any person to violate, or fail to comply with any provision of the Vehicle Code, unless otherwise specified.

This bill would provide that violation of this section is not an infraction and would instead, among other things, require the department to revoke the registration of a vehicle that is being operated in violation of those provisions. The bill would also authorize a peace officer to cause the removal and seizure of a vehicle operating on the public streets with a registration that has been revoked pursuant to these provisions

and authorize the department to impose a penalty of up to \$25,000 per day for each autonomous vehicle operating in violation of these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 38750 of the Vehicle Code is amended  
2 to read:

3 38750. (a) For purposes of this division, the following  
4 definitions apply:

5 (1) “Autonomous technology” means technology that has the  
6 capability to drive a vehicle without the active physical control or  
7 monitoring by a human operator.

8 (2) (A) “Autonomous vehicle” means any vehicle equipped  
9 with autonomous technology that has been integrated into that  
10 vehicle.

11 (B) An autonomous vehicle does not include a vehicle that is  
12 equipped with one or more collision avoidance systems, including,  
13 but not limited to, electronic blind spot assistance, automated  
14 emergency braking systems, park assist, adaptive cruise control,  
15 lane keep assist, lane departure warning, traffic jam and queuing  
16 assist, or other similar systems that enhance safety or provide driver  
17 assistance, but are not capable, collectively or singularly, of driving  
18 the vehicle without the active control or monitoring of a human  
19 operator.

20 (3) “Department” means the Department of Motor Vehicles.

21 (4) An “operator” of an autonomous vehicle is the person who  
22 is seated in the driver’s seat, or, if there is no person in the driver’s  
23 seat, causes the autonomous technology to engage.

24 (5) A “manufacturer” of autonomous technology is the person  
25 as defined in Section 470 that originally manufactures a vehicle  
26 and equips autonomous technology on the originally completed  
27 vehicle or, in the case of a vehicle not originally equipped with  
28 autonomous technology by the vehicle manufacturer, the person  
29 that modifies the vehicle by installing autonomous technology to  
30 convert it to an autonomous vehicle after the vehicle was originally  
31 manufactured.

1 (b) An autonomous vehicle may be operated on public roads  
2 for testing purposes by a driver who possesses the proper class of  
3 license for the type of vehicle being operated if all of the following  
4 requirements are met:

5 (1) The autonomous vehicle is being operated on roads in this  
6 state solely by employees, contractors, or other persons designated  
7 by the manufacturer of the autonomous technology.

8 (2) The driver shall be seated in the driver's seat, monitoring  
9 the safe operation of the autonomous vehicle, and capable of taking  
10 over immediate manual control of the autonomous vehicle in the  
11 event of an autonomous technology failure or other emergency.

12 (3) Prior to the start of testing in this state, the manufacturer  
13 performing the testing shall obtain an instrument of insurance,  
14 surety bond, or proof of self-insurance in the amount of five million  
15 dollars (\$5,000,000), and shall provide evidence of the insurance,  
16 surety bond, or self-insurance to the department in the form and  
17 manner required by the department pursuant to the regulations  
18 adopted pursuant to subdivision (d).

19 (c) Except as provided in subdivision (b), an autonomous vehicle  
20 shall not be operated on public roads until the manufacturer submits  
21 an application to the department, and that application is approved  
22 by the department pursuant to the regulations adopted pursuant to  
23 subdivision (d). The application shall contain, at a minimum, all  
24 of the following certifications:

25 (1) A certification by the manufacturer that the autonomous  
26 technology satisfies all of the following requirements:

27 (A) The autonomous vehicle has a mechanism to engage and  
28 disengage the autonomous technology that is easily accessible to  
29 the operator.

30 (B) The autonomous vehicle has a visual indicator inside the  
31 cabin to indicate when the autonomous technology is engaged.

32 (C) The autonomous vehicle has a system to safely alert the  
33 operator if an autonomous technology failure is detected while the  
34 autonomous technology is engaged, and when an alert is given,  
35 the system shall do either of the following:

36 (i) Require the operator to take control of the autonomous  
37 vehicle.

38 (ii) If the operator does not or is unable to take control of the  
39 autonomous vehicle, the autonomous vehicle shall be capable of  
40 coming to a complete stop.

1 (D) The autonomous vehicle shall allow the operator to take  
2 control in multiple manners, including, without limitation, through  
3 the use of the brake, the accelerator pedal, or the steering wheel,  
4 and it shall alert the operator that the autonomous technology has  
5 been disengaged.

6 (E) The autonomous vehicle's autonomous technology meets  
7 Federal Motor Vehicle Safety Standards for the vehicle's model  
8 year and all other applicable safety standards and performance  
9 requirements set forth in state and federal law and the regulations  
10 promulgated pursuant to those laws.

11 (F) The autonomous technology does not make inoperative any  
12 Federal Motor Vehicle Safety Standards for the vehicle's model  
13 year and all other applicable safety standards and performance  
14 requirements set forth in state and federal law and the regulations  
15 promulgated pursuant to those laws.

16 (G) The autonomous vehicle has a separate mechanism, in  
17 addition to, and separate from, any other mechanism required by  
18 law, to capture and store the autonomous technology sensor data  
19 for at least 30 seconds before a collision occurs between the  
20 autonomous vehicle and another vehicle, object, or natural person  
21 while the vehicle is operating in autonomous mode. The  
22 autonomous technology sensor data shall be captured and stored  
23 in a read-only format by the mechanism so that the data is retained  
24 until extracted from the mechanism by an external device capable  
25 of downloading and storing the data. The data shall be preserved  
26 for three years after the date of the collision.

27 (2) A certification that the manufacturer has tested the  
28 autonomous technology on public roads and has complied with  
29 the testing standards, if any, established by the department pursuant  
30 to subdivision (d).

31 (3) A certification that the manufacturer will maintain, an  
32 instrument of insurance, a surety bond, or proof of self-insurance  
33 as specified in regulations adopted by the department pursuant to  
34 subdivision (d), in an amount of five million dollars (\$5,000,000).

35 (d) (1) As soon as practicable, but no later than January 1,  
36 2015, the department shall adopt regulations setting forth  
37 requirements for the submission of evidence of insurance, surety  
38 bond, or self-insurance required by subdivision (b), and the  
39 submission and approval of an application to operate an  
40 autonomous vehicle pursuant to subdivision (c).

1 (2) The regulations shall include any testing, equipment, and  
2 performance standards, in addition to those established for purposes  
3 of subdivision (b), that the department concludes are necessary to  
4 ensure the safe operation of autonomous vehicles on public roads,  
5 with or without the presence of a driver inside the vehicle. In  
6 developing these regulations, the department may consult with the  
7 Department of the California Highway Patrol, the Institute of  
8 Transportation Studies at the University of California, or any other  
9 entity identified by the department that has expertise in automotive  
10 technology, automotive safety, and autonomous system design.

11 (3) The department may establish additional requirements by  
12 the adoption of regulations, which it determines, in consultation  
13 with the Department of the California Highway Patrol, are  
14 necessary to ensure the safe operation of autonomous vehicles on  
15 public roads, including, but not limited to, regulations regarding  
16 the aggregate number of deployments of autonomous vehicles on  
17 public roads, special rules for the registration of autonomous  
18 vehicles, new license requirements for operators of autonomous  
19 vehicles, and rules for revocation, suspension, or denial of any  
20 license or any approval issued pursuant to this division.

21 (4) The department shall hold public hearings on the adoption  
22 of any regulation applicable to the operation of an autonomous  
23 vehicle without the presence of a driver inside the vehicle.

24 (e) (1) The department shall approve an application submitted  
25 by a manufacturer pursuant to subdivision (c) if it finds that the  
26 applicant has submitted all information and completed testing  
27 necessary to satisfy the department that the autonomous vehicles  
28 are safe to operate on public roads and the applicant has complied  
29 with all requirements specified in the regulations adopted by the  
30 department pursuant to subdivision (d).

31 (2) Notwithstanding paragraph (1), if the application seeks  
32 approval for autonomous vehicles capable of operating without  
33 the presence of a driver inside the vehicle, the department may  
34 impose additional requirements it deems necessary to ensure the  
35 safe operation of those vehicles, and may require the presence of  
36 a driver in the driver's seat of the vehicle if it determines, based  
37 on its review pursuant to paragraph (1), that such a requirement is  
38 necessary to ensure the safe operation of those vehicles on public  
39 roads. The department shall notify the Legislature of the receipt  
40 of an application from a manufacturer seeking approval to operate

1 an autonomous vehicle capable of operating without the presence  
2 of a driver inside the vehicle and approval of the application.  
3 Approval of the application shall be effective no sooner than 180  
4 days after the date the application is submitted.

5 (f) Nothing in this division shall limit or expand the existing  
6 authority to operate autonomous vehicles on public roads, until  
7 120 days after the department adopts the regulations required by  
8 paragraph (1) of subdivision (d).

9 (g) Federal regulations promulgated by the National Highway  
10 Traffic Safety Administration shall supersede the provisions of  
11 this division when found to be in conflict with any other state law  
12 or regulation.

13 (h) The manufacturer of the autonomous technology installed  
14 on a vehicle shall provide a written disclosure to the purchaser of  
15 an autonomous vehicle that describes what information is collected  
16 by the autonomous technology equipped on the vehicle. The  
17 department may promulgate regulations to assess a fee upon a  
18 manufacturer that submits an application pursuant to subdivision  
19 (c) to operate autonomous vehicles on public roads in an amount  
20 necessary to recover all costs reasonably incurred by the  
21 department.

22 (i) *(1) If the department determines that an autonomous vehicle*  
23 *is being operated in violation of this division, the department shall*  
24 *revoke the registration for that vehicle.*

25 *(2) A peace officer, as defined in Chapter 4.5 (commencing with*  
26 *Section 830) of Title 3 of Part 2 of the Penal Code, may cause the*  
27 *removal and seizure of a vehicle found to be operating on public*  
28 *streets with a registration revoked pursuant to this subdivision in*  
29 *accordance with Chapter 10 (commencing with Section 22650) of*  
30 *Division 11.*

31 *(3) A manufacturer or operator found by the department to be*  
32 *in violation of this division shall not be eligible to apply to the*  
33 *department to operate an autonomous vehicle pursuant to this*  
34 *division for a period of two years from the date of the violation.*

35 *(4) A violation of this section is not an infraction pursuant to*  
36 *Section 4000.1. The department may impose a penalty of up to*  
37 *twenty-five thousand dollars (\$25,000) per day for each*

- 1 *autonomous vehicle a manufacturer of an operator operates in*
- 2 *violation of this division.*

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